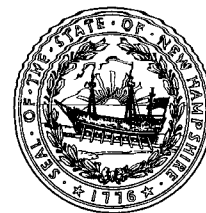




The State of New Hampshire
Department of Environmental Services



Michael P. Nolin
Commissioner

LETTER OF DEFICIENCY
WET 06-094

August 29, 2006

Peter J Thayer
Po Box 272
Harrisville, NH 03450

RE: DES Wetlands File #2006-02010 Blood Hill Road, Harrisville

Dear Mr. Thayer:

On August 23, 2006, personnel from the Department of Environmental Services ("DES") conducted an inspection of the above referenced property, more specifically referenced on Town of Harrisville Tax Map 50 as Lot 6 (the "Property"). The purpose of the inspection was to determine compliance with RSA 482-A and NH Code of Admin. Rules Env-Wt 100-800.

During the inspection the following deficiencies were documented:

1. A wetland crossing was observed as a result of a recently constructed road entrance off Blood Hill Road.
2. A culvert had been installed and approximately 1800 square feet of wetland had been filled. Boulder headwalls had been installed around the culvert and erosion controls had been installed on the downslope side of the road.

In response, you are requested to take the following actions:

1. Retain a certified wetland scientist **within 30 days** of the date of this letter to conduct a wetland delineation of the property and assist with requests #2 and/or #3 below. Submit written documentation as to the name of the wetland scientist to DES.
2. A Standard Dredge and Fill permit is required to retain the wetland crossing. You must demonstrate that there is no other location for access off Blood Hill Road that results in less or no wetland impact. Within 60 days of the date of this letter submit a Standard Dredge and Fill permit application to retain the crossing; or
3. If a permit cannot be approved by the DES Wetlands Bureau to retain the wetland crossing, **within 60 days** of receipt of this Letter of Deficiency, submit a restoration plan to DES for review and approval. Have the restoration plan prepared by a certified wetland scientist, and include provisions for removing the crossing and restoring the wetland on the Property. Submit

the following with the restoration plan:

- a. A plan with dimensions, drawn to scale, showing:
 1. Existing conditions, with wetland boundaries; and
 2. Proposed conditions after reestablishing the jurisdictional areas;
 - b. A detailed description of the proposed means of erosion control (silt fence, hay bales, etc) and stabilization of the restoration area;
 - c. A detailed description of the proposed planting plan for the stabilization and revegetation of the restoration area and control of invasive species such as purple loosestrife (*Lythrum salicaria*) and common reed (*Phragmites australis*);
 - d. A description of the proposed construction sequence and methods for accomplishing restoration and anticipated restoration compliance date.
 - e. A description of the method of documenting at least 75% survival of all vegetation planted during the restoration project. This should include at a minimum monitoring progress reports for one successive growing season following completion of the restoration project.
 - f. Retain a qualified wetland scientist to supervise the implementation of the restoration plan and to submit the restoration progress reports.
4. Implement the restoration plan only after receiving written approval and as conditioned by DES.

RSA 482-A, the New Hampshire Wetlands law, was enacted to protect and preserve wetlands and surface waters from unregulated despoliation. Prior to dredging, filling, or construction in and adjacent to wetlands or surface waters, an individual is required to obtain a permit. If work is done without a permit, this is considered a violation of RSA 482-A. Failure to respond to this Letter of Deficiency in a timely and complete manner may be construed as noncompliance by the receiving party.

DES personnel may conduct another inspection at a later date to determine whether you have come into and are maintaining full compliance with the applicable statute and rules.

Issuance of this letter shall not preclude further enforcement by DES. Failure to comply with RSA 482-A will result in enforcement by DES, including but not limited to the issuance of fines, administrative orders, or referral to the New Hampshire Office of the Attorney General for prosecution of civil or criminal penalties. If an order is issued to you, it may also be recorded with the Registry of Deeds as an encumbrance against your property.

All documents submitted in response to this Letter of Deficiency should be addressed as follows:

Dawn Buker, Compliance Specialist
Wetlands Bureau
Department of Environmental Services
29 Hazen Drive
PO Box 95
Concord, NH 03302-0095

Should you have any questions regarding this letter, or wish to arrange a meeting, please contact Dawn Buker at (603) 271-4066.

Sincerely,

COPY
Collis G. Adams for

Collis G. Adams, CWS
Administrator
Wetlands Bureau

CERTIFIED MAIL 7000 1670 0000 0585 4836

cc: Rene Pelletier, Asst. Director, Water Division
Gretchen R. Hamel, Administrator, DES Legal Unit
Harrisville Conservation Commission
Harrisville Board of Selectmen
USACOE